

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

ADRIAN LIPSCOMB,

Plaintiff

vs.

COMMISSIONER DONAL CAMPBELL,  
WARDEN BILLY MITCHEM, and DEPUTY  
COMMISSIONER ROY HIGHTOWER

Defendants

CASE NO. CV03-H-1044-NE

**ENTERED**

**SEP 14 2004**

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on August 10, 2004, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections on August 31, 2004.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to summary judgment as a matter of law. Accordingly, the defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 14<sup>th</sup> day of September, 2004.

  
JAMES H. HANCOCK  
SENIOR JUDGE

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